

## Article - Courts and Judicial Proceedings

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§3–815.

(a) In accordance with regulations adopted by the Department of Human Resources, a local department may authorize shelter care for a child who may be in need of assistance and has been taken into custody under this subtitle.

(b) A local department may place a child in emergency shelter care before a hearing if:

(1) Placement is required to protect the child from serious immediate danger;

(2) There is no parent, guardian, custodian, relative, or other person able to provide supervision; and

(3) (i) 1. The child's continued placement in the child's home is contrary to the welfare of the child; and

2. Because of an alleged emergency situation, removal from the home is reasonable under the circumstances to provide for the safety of the child; or

(ii) 1. Reasonable efforts have been made but have been unsuccessful in preventing or eliminating the need for removal from the child's home; and

2. As appropriate, reasonable efforts are being made to return the child to the child's home.

(c) (1) Whenever a child is not returned to the child's parent, guardian, or custodian, the local department shall immediately file a petition to authorize continued shelter care.

(2) (i) The court shall hold a shelter care hearing on the petition before disposition to determine whether the temporary placement of the child outside of the home is warranted.

(ii) Unless extended on good cause shown, a shelter care hearing shall be held not later than the next day on which the circuit court is in session.

(3) If the child's parents, guardian, custodian, or relatives can be located, reasonable notice, oral or written, stating the time, place, and purpose of the shelter care hearing shall be given.

(4) A court may not order shelter care for more than 30 days except that

shelter care may be extended for up to an additional 30 days if the court finds after a hearing held as part of an adjudication that continued shelter care is needed to provide for the safety of the child.

(5) Unless good cause is shown, a court shall give priority to the child's relatives over nonrelatives when ordering shelter care for a child.

(d) A court may continue shelter care beyond emergency shelter care only if the court finds that:

(1) Return of the child to the child's home is contrary to the safety and welfare of the child; and

(2) (i) Removal of the child from the child's home is necessary due to an alleged emergency situation and in order to provide for the safety of the child; or

(ii) Reasonable efforts were made but were unsuccessful in preventing or eliminating the need for removal of the child from the home.

(e) (1) If the court continues shelter care on the basis of an alleged emergency, the court shall assess whether the absence of efforts to prevent removal was reasonable.

(2) If the court finds that the absence of efforts to prevent removal was not reasonable, the court shall make a written determination so stating.

(3) The court shall make a written determination as to whether reasonable efforts are being made to make it possible to return the child to the child's home or whether the absence of such efforts is reasonable.

(f) (1) An alleged CINA may not be placed in:

(i) Detention, as defined in § 3-8A-01 of this title; or

(ii) A mental health facility, unless committed involuntarily in accordance with §§ 10-613 through 10-619 of the Health - General Article.

(2) (i) If the child is alleged to be in need of assistance because of a mental disorder or a developmental disability, the child may be placed in a shelter care facility maintained or licensed by the Department of Health and Mental Hygiene or, if no such facility is available, in a private home or shelter care facility approved by the court.

(ii) If the child is alleged to be in need of assistance for any other reason, the child may be placed in a shelter care facility maintained or approved by the Social Services Administration or in a private home or shelter care facility approved by the court.

(3) An alleged CINA may not be placed in a shelter care facility that is not

operating in compliance with applicable State licensing laws.

(4) The Secretary of Human Resources, the Secretary of Juvenile Services, the Secretary of Health and Mental Hygiene, the State Superintendent of Schools, and the Special Secretary for Children, Youth, and Families, when appropriate, shall jointly adopt regulations to ensure that any child placed in shelter care in accordance with a petition filed under this section is provided appropriate services, including:

- (i) Health care services;
- (ii) Mental health care services;
- (iii) Counseling services;
- (iv) Education services;
- (v) Social work services;
- (vi) Drug and alcohol abuse assessment or treatment services; and
- (vii) Visitation with siblings and biological family.

(5) In addition to any other provision, the regulations shall require the local department:

- (i) Within 45 days of placement of a child in a shelter care facility, to develop a plan to assess the child's treatment needs; and
- (ii) To submit the plan to all parties to the petition and their counsel.

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